

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

To:

WOLF GREENFIELD & SACKS, P.C.  
Attn. Oyer, Timothy J.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference H0498.70219 <i>Woo</i>		Date of mailing (day/month/year) 13/05/2005	
International application No. PCT/US2005/003514		International filing date (day/month/year) 26/01/2005	
Applicant PRESIDENT AND FELLOWS OF HARVARD COLLEGE		Confirmation Docketing 6-1305 <i>[Signature]</i>	

  

1. <input checked="" type="checkbox"/> The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith. <b>Filing of amendments and statement under Article 19:</b> The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46). <b>When?</b> The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet. <b>Where?</b> Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35 <b>For more detailed instructions,</b> see the notes on the accompanying sheet.		Initials <i>[Signature]</i> 7/13/05 7/13/05 TIO
2. <input type="checkbox"/> The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.		
3. <input type="checkbox"/> <b>With regard to the protest</b> against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:		
<input type="checkbox"/> the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.		
<input type="checkbox"/> no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.		
<b>4. Reminders</b> Shortly after the expiration of <b>18 months</b> from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication. The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date. Within <b>19 months</b> from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until <b>30 months</b> from the priority date (in some Offices even later); otherwise, the applicant must, <b>within 20 months</b> from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of <b>30 months</b> (or later) will apply even if no demand is filed within 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the <i>PCT Applicant's Guide</i> , Volume II, National Chapters and the WIPO Internet site.		

Name and mailing address of the International Searching Authority



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Authorized officer

Cora Dreyer

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference H0498.70219	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2005/003514	International filing date (day/month/year) 26/01/2005	(Earliest) Priority Date (day/month/year) 26/01/2004
Applicant  PRESIDENT AND FELLOWS OF HARVARD COLLEGE		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 13

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2005/003514

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

Method and device for storing and/or delivering fluids, wherein at least a first and a second fluid, such as chemical or biochemical reagents or rinse solutions, are maintained separately from each other in a common vessel and transferred in series from the vessel to a reaction site to carry out a predetermined chemical or biochemical reaction. Separation may be achieved by interposing a third fluid, e.g., a gaseous fluid plug, between the first and second fluids.

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US2005/003514

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 B01J4/02 B01L3/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 B01J B01L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	LINDER V ET AL: "Reagent-Loaded Cartridges for Valveless and Automated Fluid Delivery in Microfluidic Devices" ANAL. CHEM., vol. 77, no. 1, 1 January 2005 (2005-01-01), pages 64-71, XP002326648 the whole document ----- -/--	1-90

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*8\* document member of the same patent family

Date of the actual completion of the international search

28 April 2005

Date of mailing of the international search report

13/05/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
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Authorized officer

Hoogen, R

## International Application No

PCT/US2005/003514

**C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 488 894 B1 (MIETHE PETER ET AL) 3 December 2002 (2002-12-03)	1-3, 6, 10-12, 16, 17, 19-21, 25, 28, 29, 39-41, 44-46, 48-51, 54, 56, 59-64, 66, 68, 70-74, 81, 83, 85-87
Y	column 1, lines 8-15	4, 5, 7-9, 13-15, 18, 22-24, 26, 27, 30-38, 42, 43, 47, 52, 53, 55, 57, 58, 65, 67, 69, 75-80, 82, 84, 88-90
	column 3, line 66 - column 4, line 10 column 6, lines 10-48; figures 11, 12 -----	
Y	US 2002/142618 A1 (PARCE J. WALLACE ET AL) 3 October 2002 (2002-10-03)	4, 5, 7-9, 13-15, 18, 22-24, 26, 27, 30-33, 38, 42, 43, 47, 52, 53, 55, 57, 58, 65, 67, 69, 75-80, 82, 84
	paragraphs '0002!, '0003!, '0014! - '0016! -----	
Y	WO 91/01003 A (SECRETARY OF STATE FOR HEALTH IN HER BRITANNIC MAJ) 24 January 1991 (1991-01-24) cited in the application the whole document -----	34-37, 88-90

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2005/003514

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6488894	B1	03-12-2002	AT 216637 T 15-05-2002
		AU 1874099 A	07-06-1999
		AU 1962399 A	07-06-1999
		DE 59803938 D1	29-05-2002
		WO 9925475 A1	27-05-1999
		WO 9926071 A1	27-05-1999
		EP 1032471 A1	06-09-2000
		EP 1032840 A1	06-09-2000
		US 2003039588 A1	27-02-2003
US 2002142618	A1	03-10-2002	AU 8306901 A 18-02-2002
		CA 2416446 A1	14-02-2002
		EP 1314016 A1	28-05-2003
		JP 2004506189 T	26-02-2004
		WO 0212856 A1	14-02-2002
WO 9101003	A	24-01-1991	AT 135466 T 15-03-1996
		AU 5948090 A	06-02-1991
		DE 69025940 D1	18-04-1996
		DE 69025940 T2	17-10-1996
		EP 0481020 A1	22-04-1992
		WO 9101003 A1	24-01-1991

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2005/003514

International filing date (day/month/year)  
26.01.2005

Priority date (day/month/year)  
26.01.2004

International Patent Classification (IPC) or both national classification and IPC  
B01J4/02, B01L3/00

Applicant  
PRESIDENT AND FELLOWS OF HARVARD COLLEGE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

130221  
14/02/2005 10:10:23  
International application No.  
PCT/US2005/003514

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/003514

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	4, 5,7-9, 13-15, 18,22- 24,26, 27,30- 38,42,43,47,52,53,55,57,58,65,67,69,75-80,82,84,88-90
	No: Claims	1- 3,6, 10-12, 16,17, 19-21, 25,28, 29,39- 41,44-46,48-51,54,56,59-64,66,68,70-74,81,83,85-87
Inventive step (IS)	Yes: Claims	
	No: Claims	1-90
Industrial applicability (IA)	Yes: Claims	1-90
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

**see form 210**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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International application No.  
PCT/US2005/003514

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**Box No. VIII    Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

PCT/US2005/003514

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. US 6,488,894 B1 (called D1 in the following) discloses a method comprising (cf. col. 1, l. 8-15; col. 6, l. 10-48; fig. 11) :
  - providing a first fluid (42) and a second fluid (40) maintained separately from each other in a common vessel (12);
  - transferring said first and second fluids in series from the vessel to a reaction site to carry out a predetermined chemical or biochemical reaction;
  - and avoiding contact between the first and second fluids, at least until after the fluids have been applied to the reaction site.

The method according to independent claim 1 is therefore not new (Art. 33(2) PCT).

2. D1 also discloses an apparatus comprising (cf. fig. 11):
  - a sealed vessel (12; seals 36, 56);
  - a first static fluid (40) disposed in the vessel;
  - a second static fluid (42) disposed in the vessel; and
  - a third static fluid (60) disposed in the vessel, wherein the third fluid separates the first and second fluids, and at least the first and second fluids are selected for use in a predetermined chemical or biochemical reaction in a predetermined sequence.

The apparatus according to independent claim 39 is therefore not new (Art. 33(2) PCT).

3. The subject-matter of the remaining claims is either anticipated by D1, obvious in view of D1 in combination with D2 (US 2002/0142618A) or D3 (WO 91/01003), or considered to be a matter of normal design procedure.

**Re Item VI**

**Certain documents cited**

The following document was published after the priority date (26.01.2004) and before the filing date (26.01.2005) of the present application:

Linder V et al, "Reagent-Loaded Cartridges for Valveless and Automated Fluid Delivery in Microfluidic Devices", Anal. Chem., 77, 64-71, January 1, 2005.

**Re Item VII**

**Certain defects in the international application**

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
2. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
3. According to the requirements of Rule 11.13(I) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of the reference signs 230, 320, and 330 used in figures 2 and 3, respectively.

Furthermore, no detailed description of figures 5, 6, and 8 is provided.

**Re Item VIII**

**Certain observations on the international application**

1. Although claims 1, 59, 75, 81, and 85 and claims 39, 70, and 78 have been drafted as separate independent claims of category method and apparatus, respectively, they appear to relate effectively to the same subject-matter and to differ from each other

only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

2. The dependencies of claim 9, claims 17-24, and claims 28-33 are not correct thereby rendering the claims unclear (Art. 6 PCT):

The term "the pressure differential" in claim 9 as dependent on claim 1 lacks antecedence.

The term "the third fluid" in claim 17 as dependent on claim 12 lacks antecedence.

The term "the device" in claims 19, 21 and 24 as dependent on claim 1 lacks antecedence.

The term "the tube" in claims 28-33 as dependent on claim 5 lacks antecedence.

3. Claim 48-51 and claims 71-73 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem (storage of fluids for a certain period), without providing the technical features necessary for achieving this result.

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